

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WESTERN TEXAS
MIDLAND-ODESSA DIVISION**

JENNIFER VETRANO,

Plaintiff,

v.


JOHN BRDA,
ALLISON CHRISTILAW, MBA, ICD.D B,
JOHN R. HARDING, UZI SASSON,
DAN EATON ESQ, MAURICE GUITTON,
ERIC M. LESLIE, PHILIPPE MORALI,
KEN HANNAH, STEEN KARSBO,
JOHN DOES 1-20, JANE DOES 1-20

Defendants.

Case No.: 7:24-CV-00325-DC-RCG

FILED

MAR 31 2025

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

**PLAINTIFF'S MOTION FOR ALTERNATIVE SERVICE UNDER FEDERAL RULE OF
CIVIL PROCEDURE 4(e)**

TO THE HONORABLE JUDGE COUNTS:

Plaintiff, Jennifer Vetrano, pro se, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 4(e)(1) and Texas Rule of Civil Procedure 106(b) for an order authorizing alternative service of process upon Defendant Dan Eaton, Esq., who—despite repeated efforts—has engaged in calculated, deliberate evasion of service designed solely to frustrate this Court's jurisdiction. Defendant Eaton's blatant refusal to submit to service of process is not only contemptuous of this Court but also constitutes bad faith obstruction of the legal process.

Plaintiff filed this action on December 27, 2024. Since then, she has exhausted all reasonable methods to serve Defendant. Service was first attempted at Defendant's last known residence at 2849 Rosario Drive, San Jose, California, where it was confirmed Defendant no longer resided. Plaintiff then located Defendant's active professional address at 1706 Paseo De Peralta, Santa Fe, New Mexico. Plaintiff retained a process server who made no fewer than six distinct service attempts at that location on varying days and times. On March 24, 2025, the process server personally observed a man matching Defendant's description entering the property and deliberately refusing to answer the door. Defendant's refusal to accept service is well-documented in the sworn affidavit of the process server.

Later that same day, Plaintiff contacted Defendant directly by phone. Defendant readily admitted he was fully aware of this lawsuit and the pending service but, rather than accept service, attempted to control the process by instructing Plaintiff to send all legal documents to John Hardin, Esq.—counsel of record for other defendants, but not for Eaton. Defendant's bad-faith conduct—feigning surprise at the lawsuit while simultaneously directing Plaintiff to his hand-picked intermediary—is the very type of gamesmanship that alternative service is designed to prevent.

Under Federal Rule 4(e)(1), service may be accomplished pursuant to the law of the state where the district court sits, here Texas. Texas Rule of Civil Procedure 106(b) authorizes alternative service where, as here, personal service has failed despite diligent effort. Texas courts are clear: avoiding service through deliberate obstruction justifies alternative service. See *McKesson & Robbins, Inc. v. Day*, 377 S.W.2d 956, 957 (Tex. Civ. App.—Waco 1964, writ ref'd n.r.e.) (upholding alternative service where the defendant hid in a closet to evade process). Defendant

Eaton's conduct—hiding inside his home while being observed by the process server and refusing to answer the door—demonstrates the same contemptible evasion.

The Texas Supreme Court in *Wilson v. Dunn*, 800 S.W.2d 833, 836 (Tex. 1990), established that “reasonable diligence” demands persistent efforts under varying conditions. Plaintiff exceeded this standard by deploying professional service agents to two locations over multiple attempts. Eaton's bad faith is further confirmed by his admission of knowledge of the lawsuit and his attempt to dictate service conditions.

Moreover, Texas law explicitly supports alternative service through counsel where circumstances warrant. In *Harrison v. Harrison*, 597 S.W.2d 477 (Tex. Civ. App.—Beaumont 1980, no writ), service on a defendant's attorney was upheld when the attorney was involved in litigation discussions. Here, Eaton's own words designated John Hardin as his intermediary, leaving no credible basis to challenge this method of service.

Accordingly, service of process upon John R. Hardin, Esq. at Perkins Coie LLP, 500 N. Akard Street, Suite 3300, Dallas, Texas 75201, is not only reasonable but necessary to prevent Defendant Eaton from further obstructing justice. Mr. Hardin, as an officer of the Court, can be expected to fulfill his professional obligations and convey the process to his client. (Exhibits A-F).

WHEREFORE, Plaintiff respectfully demands that this Court issue an Order authorizing Plaintiff to serve Defendant Dan Eaton, Esq., by delivering the summons and complaint to John R. Hardin, Esq., at the above address. Plaintiff further requests any additional relief the Court deems just and proper to end this ongoing manipulation of the service process.

Respectfully submitted,

/s/ Jennifer Vetrano

Jennifer Vetrano (Pro Se)

25 Pond Hollow Lane

West Creek, NJ 08092

Email: JVetrano999@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2025, a true and correct copy of the foregoing Motion for Alternative Service was served via electronic mail on the following:

John Russell Hardin, Esq.

Perkins Coie LLP

500 N. Akard Street, Suite 3300

Dallas, Texas 75201

JohnHardin@perkinscoie.com

/s/ Jennifer Vetrano

Jennifer Vetrano (Pro Se)

Exhibit Index

Civil Action No. 7:24-CV-00325-DC-RCG

Exhibit A- Proof of Service #1 (Unexecuted because of Moved).

Exhibit B- Attorney Profile for David Daniel Eaton

Exhibit C- Proof of Service #1 (Unexecuted because of OTHER).

Exhibit D- Process Service Costs associated with Dan Eaton.

Exhibit E- Emails to John Hardin, ESQ in regard to Dan Eaton.

Exhibit F- Email to California Lawyers Association.

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Exhibit A- Proof of Service #1 (Unexecuted because of Moved).

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **7:24-CV-00325-DC-RCG**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

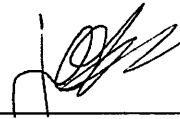
This summons for **Dan Eaton**
was recieved by me on **2/25/2025**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Moved** after attempting service at **2849 Rosario Dr, San Jose, CA 95132**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and \$ **75.00** for services, for a total of \$ **75.00**.

I declare under penalty of perjury that this information is true.

Date: **02/25/2025**



Server's signature

Jose Anaya

Printed name and title

**1215 yvonne ave
Manteca, CA 95361**

Server's address

Additional information regarding attempted service, etc:

2/25/2025 2:20 PM: I spoke with an individual who identified themselves as the resident and they stated subject moved.



Tracking #: **0159865023**



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 3)

Civil Action No. **7:24-CV-00325-DC-RCG**

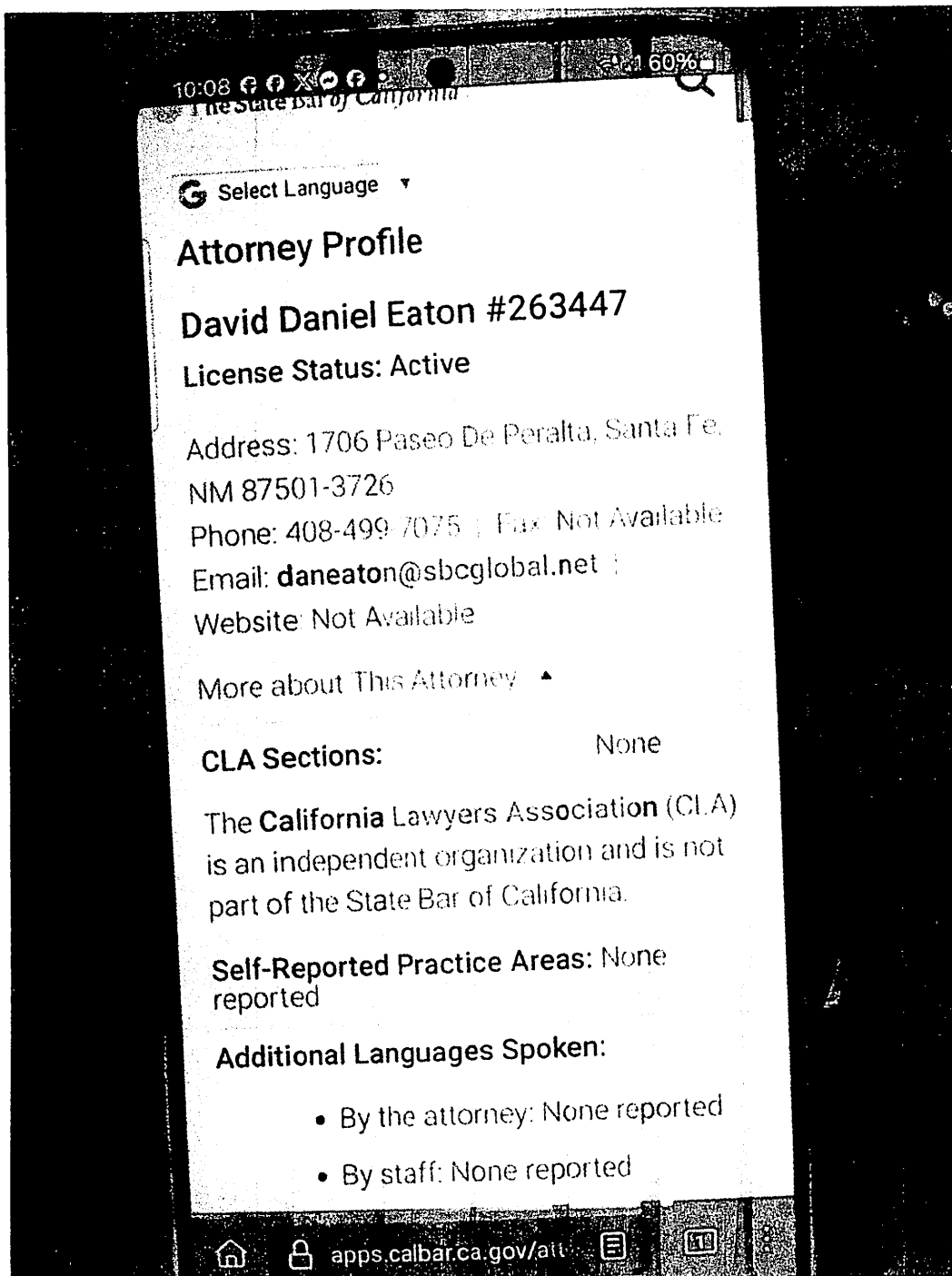
the driveway, he then went inside and shut the door and did not answer when I knocked on the door.



Tracking #: 0163104361



Exhibit B- Attorney Profile for David Daniel Eaton



Select Language ▼

Attorney Profile

David Daniel Eaton #263447

License Status: Active

Address: 1706 Paseo De Peralta, Santa Fe,
NM 87501-3726

Phone: 408-499-7075 ; **Fax:** Not Available

Email: daneaton@sbcglobal.net ;

Website: Not Available

More about This Attorney ▲

CLA Sections: None

The **California** Lawyers Association (CLA)
is an independent organization and is not
part of the State Bar of California.

Self-Reported Practice Areas: None
reported

Additional Languages Spoken:

- By the attorney: None reported
- By staff: None reported

Exhibit C- Proof of Service (Unexecuted because of OTHER).

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **7:24-CV-00325-DC-RCG****PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for **Dan Eaton**
 was recieved by me on **2/26/2025**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Other** after attempting service at **1706 Paseo De Peralta, Santa Fe, NM 87501-3726**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and \$ **75.00** for services, for a total of \$ **75.00**.

I declare under penalty of perjury that this information is true.

Date: **03/24/2025**



 Server's signature

Rafael Espinoza

 Printed name and title

**2800 Cerrillos Rd.
 Santa Fe, NM 87507**

 Server's address

Additional information regarding attempted service, etc:

3/1/2025 6:35 PM: There was no answer at the address. I heard no movement inside house.
3/1/2025 6:41 PM: There was no answer at the address. I heard no movement inside house.
3/5/2025 12:12 PM: There was no answer at the address. There were no vehicles parked in driveway. I heard no movement inside house.
3/10/2025 6:21 PM: There was no answer at the address. There were no vehicles parked in driveway. I heard no movement inside house.
3/18/2025 3:37 PM: There was no answer at the address. There were no vehicles parked in driveway. I heard no movement inside house.
3/24/2025 2:58 PM: There was no answer at the address. There was a man standing at the front door when I drove into

Tracking #: 0163104361



Exhibit D- Process Service Costs associated with Dan Eaton.

Search for case by number, title, court...

[Billing Activity](#) > Invoice

INVOICE

Jennifer Vetrano <jvetrano999@gmail.com>

Jennifer Vetrano v. Dan Eaton

Case Ref ID: REF-19108709 Case #: 7:24-CV-00325-DC-RCG Court: US District Court, Texas, Western District, Midland-Odessa

Invoice

20801312.100

Total / Status

\$75.00

☒ Paid

Amount Due

\$0.00

Invoice Date

02/21/2025

Process Service - Web Upload

Uploaded File(s): DanEaton1summons.pdf, amendedcomplant.pdf, DanEaton2summons.pdf

Rush Requested: No

Parties To Serve: 1

Instructions:

\$75.00

Total	\$75.00
-------	---------

Amount Paid	\$75.00
-------------	---------

Amount Due	\$0.00
------------	--------

Search for case by number, title, court...

[Billing Activity](#) » [Invoice](#) Invoice

Jennifer Vetrano <jvetrano999@gmail.com>

Jennifer Vetrano v. Dan Eaton

Case Ref ID: REF-19108709 Case #: 7:24-CV-00325-DC-RCG Court: US District Court, Texas, Western District, Midland-Odessa

Invoice

20854331.100

Total / Status

\$75.00

 Paid

Amount Due

\$0.00

Invoice Date

02/25/2025

Process Service - Additional Address

Subject: Dan Eaton

Address: 1706 Paseo De Peralta, Santa Fe, NM 87501-3726

Result: Not Served

\$75.00

Total

\$75.00

Amount Paid

\$75.00

Amount Due

\$0.00

Exhibit E- Emails to John Hardin, ESQ in regard to Dan Eaton.



Jennifer Vetrano <jvetrano999@gmail.com>

Dan Eaton- Defendant case 7:24-CV-00325-DC-RCG

28 messages

Jennifer Vetrano <jvetrano999@gmail.com>

Mon, Mar 24, 2025 at 6:42 PM

To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Hi John,

I spoke to Dan Eaton a few minutes ago as I have attempted to serve him over 6 times unsuccessfully in two locations. He asked me to serve the papers to you, as you will be representing him.


Would this be alright with you? Also, where would the best address be to send the process server? Please let me know. Thank you.

Jennifer Vetrano

2 attachments

Screenshot_20250324_184024_M365 Copilot.jpg
527K



 **Proof_206325704.pdf**
95K

Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com>
To: Jennifer Vetrano <jvetrano999@gmail.com>

Mon, Mar 24, 2025 at 9:01 PM

Ms. Vetrano –

I will respond more fully tomorrow, but we can agree on a date that by which he will be deemed served without having the process server actually serve the documents.

John

John Hardin

PARTNER

Perkins Coie

500 N. Akard Street Suite 3300

Dallas, TX 75201-3347

+1.214.965.7743

johnhardin@perkinscoie.com

perkinscoie.com

[Quoted text hidden]

NOTICE: This communication from Perkins Coie LLP may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Mon, Mar 24, 2025 at 10:14 PM

Hi John,

I have paid for service twice for him to date in two different states. Please let me know how to proceed as I need to provide answers to the Judges in a timely manner.

Thank you.

Jennifer Vetrano

[Quoted text hidden]

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Mon, Mar 24, 2025 at 10:16 PM

Hi John,

I have completed the Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss. I am sending it out to the Court tomorrow morning via UPS. I will attach all files for your review. Please let me know if you have any questions and the exhibits will be in a separate email. Thank you.

Jennifer Vetrano

[Quoted text hidden]

2 attachments



Exhibit Index-Sasson.pdf
39K



UZIresponsetomotiontodismiss.pdf
95K

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Mon, Mar 24, 2025 at 10:18 PM

Exhibit A-Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss

[Quoted text hidden]



ExhibitAfulldoc.pdf
2256K

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Mon, Mar 24, 2025 at 10:20 PM

[Quoted text hidden]

 **ExhibitMfulldoc.pdf**
10576K

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Mon, Mar 24, 2025 at 11:18 PM

Exhibit N
[Quoted text hidden]

 **ExhibitN.pdf**
1268K

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Mon, Mar 24, 2025 at 11:28 PM

John,

Are you representing Dan Eaton, ESQ?

Thanks,

Jennifer Vetrano

On Mon, Mar 24, 2025 at 9:01 PM Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com> wrote:
[Quoted text hidden]

Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com>
To: Jennifer Vetrano <jvetrano999@gmail.com>

Tue, Mar 25, 2025 at 11:18 AM

Ms. Vetrano,

We represent Mr. Eaton for purposes of the litigation that you have filed, and we are authorized to accept service on his behalf. We can agree to treat him as served as of today, meaning that he will need to file his answer, response, or otherwise plead no later than Tuesday, April 15, 2025. There is no need to have a process server come to our offices and serve anyone should you agree to the above.

Having said that, Mr. Eaton, just like Mr. Morali and Mr. Sasson, was not around during the events you complained of, and simply doesn't belong in your suit. Furthermore, he, like Mr. Morali and Mr. Sasson, is not subject to personal jurisdiction in Texas. What is your good faith basis to include him a lawsuit about actions that precede his start date and to further claim that he is subject to personal jurisdiction in Texas?

[Quoted text hidden]
[Quoted text hidden]

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Tue, Mar 25, 2025 at 11:41 AM

John,

I will be sending the court a letter to determine the proper protocol for Dan Eaton to be served with the Judges.

Regards,

Jennifer Vetrano

[Quoted text hidden]

Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com>
To: Jennifer Vetrano <jvetrano999@gmail.com>

Tue, Mar 25, 2025 at 11:44 AM

Ms. Vetrano –

First, I note that you have not responded to my questions regarding a good faith basis to include Mr. Eaton and to serve him in Texas.

Second, as for service, you appear to be rejecting my offer below. As such, there is no agreement as to Mr. Eaton being served or what date that service happened.

[Quoted text hidden]

[Quoted text hidden]

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Tue, Mar 25, 2025 at 11:46 AM

John,

I will ask the court for protocol on Dan Eaton. As for jurisdiction please read the documents I sent you yesterday. Thanks and have a great day!

Jen Vetrano

[Quoted text hidden]

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Tue, Mar 25, 2025 at 3:08 PM

John,

If you are Dan Eaton's lawyer can I serve you his papers at your office via process server? Thanks.

Jen Vetrano

[Quoted text hidden]

Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com>
To: Jennifer Vetrano <jvetrano999@gmail.com>

Tue, Mar 25, 2025 at 3:11 PM

Ms. Vetrano –

As I said this morning – we can reach an agreement between ourselves on the issue. We can agree that he is deemed served as of today and that his deadline to answer, respond, or otherwise plead is 21 days from today (so, April 15, 2025).

[Quoted text hidden]

[Quoted text hidden]

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Tue, Mar 25, 2025 at 3:13 PM

Hi John,

Two additional files for you. I had to correct the font and spacing on my documents before I sent them out today. Wanted to provide you a copy. All other exhibits are the same. Thanks!

Jen Vetrano

[Quoted text hidden]

2 attachments

 **UZIresponsetomotiontodismiss.pdf**
176K

 **Exhibit Index.pdf**
108K

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Tue, Mar 25, 2025 at 3:15 PM

John,

He needs to be served formally. I will write to the court and give them an update on what is happening. I am not comfortable by any means doing this without proper documentation of service and that you are not on record as his attorney with the court. Thanks.

Jen Vetrano

[Quoted text hidden]

Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com>
To: Jennifer Vetrano <jvetrano999@gmail.com>

Tue, Mar 25, 2025 at 3:20 PM

Please attach this email to your correspondence where I have told you that I am his attorney, where you acknowledge that he has told you that I am his attorney, where I have offered (twice) to accept service of process, and where I have attempted to move us on to substantive grounds.

[Quoted text hidden]

[Quoted text hidden]

Jennifer Vetrano <jvetrano999@gmail.com>
To: "Hardin, John (Perkins Coie)" <JohnHardin@perkinscoie.com>

Tue, Mar 25, 2025 at 3:22 PM

Hi John,

I am going to proceed to get permission from the court. Thanks.

Jen Vetrano

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com>
Sent: Tuesday, March 25, 2025 3:20:38 PM
To: Jennifer Vetrano <jvetrano999@gmail.com>
Subject: RE: Dan Eaton- Defendant case 7:24-CV-00325-DC-RCG

[Quoted text hidden]

Exhibit F- Email to California Lawyers Association.



Jennifer Vetrano <jvetrano999@gmail.com>

(no subject)

1 message

Jennifer Vetrano <jvetrano999@gmail.com>

Mon, Mar 24, 2025 at 6:32 PM

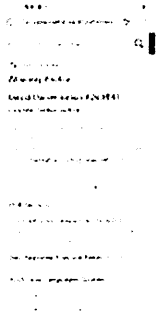
To: Info@calawyers.org

Hi California Lawyers Association,

I am reaching out to your organization for help with one of your members. I am a Plaintiff in a Federal case and have been trying to serve Dan Eaton for about two months and have been unsuccessful at two addresses. One of the addresses is showing active with your Association. Can you please provide me a current address for Dan Eaton please? Any information would be appreciated and please see attached.

Regards,

Jennifer Vetrano



Screenshot_20250324_182335_Chrome.jpg
466K